

INCOMPLETE OFFICE ACTION

Applicants note that the outstanding Office Action concludes at Page 2, without providing reason for the rejection of Claims 1-20 for the Applicants to base a response. As can be seen at Page 2 of the Office Action, Claims 1-5, 7, 8, 10, 12, 13, 15 and 16 stand rejected under 35 U.S.C. §102(b) over Smollett, et al. (U.S. Patent No. 3,292,424). However, the Office Action only refers to the claimed cryostorage device and data storage device. That is, the Office Action does not discuss how Smollett discloses the remaining features of the claims. Further, there is no discussion of the rejection of Claims 6, 9, 11, 14 and 17-20. Therefore, the Office Action does not provide a communication from which a more detailed response can be submitted from the Applicants. It appears that further pages might have been planned for this Office Action, however, they are not included in the Office Action as mailed and confirmed on the U.S.P.T.O PAIR system. Accordingly, Applicants respectfully submit that the Office Action is incomplete, in particular, with regard to the rejection of Claims 1-20. Reconsideration of the claims with a complete explanation of any rejections is respectfully requested.

On, January 27, 2010 the Applicants' representative Michael Cornelison conducted a telephonic interview with Examiner Ali. During the interview, Examiner Ali agreed to forward a Supplemental Office Action including any pages beyond Page 2 to complete the October 5, 2009 Office Action. As of February 4, 2010, the filing date of this Reply, no such Supplemental Office Action has been mailed, as confirmed by the U.S.P.T.O. PAIR system. Accordingly, the Applicants file this Reply to avoid any further extension fees or abandonment of the application.

CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below to expedite prosecution of the application.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

February 4, 2010

By 

Michael J. Cornelison, Esq.
Registration No. 40,395
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

CERTIFICATE OF MAILING/TRANSMISSION PURSUANT TO 37 CFR 1.8

I hereby certify that this correspondence and any attachments referenced therein is/are being mailed/transmitted to the USPTO by: (A) first class U.S. mail with sufficient postage (37 CFR § 1.1(a)); (B) facsimile (37 CFR § 1.6 (d)); or (C) EFS-Web (37 CFR § 1.6(a)(4)) on the date shown below.

Date: February 4, 2010

Signature: 

Name: Michael J. Cornelison